

The Arkansas Register



Volume XXIX, Number 3

September 2005

TABLE OF CONTENTS

ATTORNEY GENERAL

Opinions 4

RULES AND REGULATIONS 10

INSURANCE DEPARTMENT

Orders 18

LEGISLATIVE AUDIT

Orders 19

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Little Rock, AR 72201-1094

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Published by *Secretary of State*
Charlie Daniels

The *Arkansas Register* is an official publication of the State of Arkansas. It contains administrative rules and regulations adopted by state agencies, boards and commissions pursuant to Act 434 of 1967, as amended. The *Arkansas Register* also includes Attorney General opinions, notice of legislative audit reports and insurance orders. The subscription rate is \$40 per year or \$3.50 a copy, distributed monthly, postpaid within the United States.

THE ARKANSAS REGISTER

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ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-125

Petrus, Benny
State Representative

RE: Since the Hazen Municipal Judge did not work 80 hours in any month, was the City of Hazen correct in treating the judge as an independent contractor who was not eligible for APERS retirement? Q2) What happened to the funds that Hazen and other Arkansas cities contributed to the Judicial Retirement Fund? Q3) Should the City of Hazen get credit for the funds the City paid into the Judicial Retirement Fund until 1995? **RESPONSE:** In my opinion, money remitted to the state for the Judicial Retirement System prior to 1995 was to fund the retirement programs for trial and appellate level judges and not the retirement program for municipal court judges under A.C.A. 24-8-301 through -410. I am unable to offer an opinion regarding the status of a municipal retirement program for the City of Hazen because of questions of fact this office is neither authorized nor equipped to resolve. Specifically, because the City of Hazen is located in Prairie County, with two county seats, the Arkansas Code specifies that if Prairie County was primarily responsible for funding the Hazen Municipal Court, the Prairie County Quorum Court was to elect whether to fund a local municipal court retirement plan or to enroll the municipal judge in APERS. Without information regarding whether Prairie County paid primarily for the municipal court and judge and, if so, which retirement system the Prairie County Quorum Court chose under A.C.A. 24-8-315, I cannot reach a conclusion.

Opinion No.: 2005-132

Laverty, Randy
State Senator

RE: Pursuant to provisions of ACA 14-92-101 et seq., or any other laws pertaining to suburban improvement districts (SID), does a SID have authority to promulgate rules and regulations, impose penalties,

enter into litigation or otherwise take official action with respect to: residential or commercial building permits; inspection of residential and commercial structures for the purpose of ascertaining whether building standards have been met; eliminating or otherwise acting against residential or commercial nuisance such as trash, appearance of property, or improper storage of vehicles; development or enforcement of community standards for planning and/or zoning? Q2) Can funds collected to accomplish the regular business of a SID be legally expanded for any of the above stated purposes? **ANSWER:** Generally "no," in response to both question, because a SID lacks the necessary police powers to adopt rules and regulations, set penalties, institute litigation, and take other official action with respect to building permits and inspections, nuisance abatement, and planning and zoning.

Opinion No.: 2005-135

Stovall, Bill H., III
State Representative

RE: Can a land owner, who owns the surface rights to property, quiet title to the mineral interests which were severed from the property and sold by a tax deed pertaining to mineral interest only in the 1970s and, if so, what is the procedure? Q2) Can a non-surface owner quiet title to mineral interest received by tax deed in the 1970s and, if so, what is the procedure? **RESPONSE:** 1) It will depend upon all the facts and circumstances. A landowner would have to assert some type of title to the minerals and adverse possession of minerals requires actual production thereof. 2) Again, it depends upon all the facts and circumstances. The holder of a mineral interest tax deed from the 1970s may have trouble quieting title to the minerals due to the fact that the tax deed is in all likelihood void due to previously improper assessment procedures. Legal actions by either of the parties above may result in a judgment for the prior record holder of the mineral interests. See opinion for full analysis.

ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-136

Salmon, Mary Anne
State Senator

RE: In light of the fact that a recently retired fire fighter did not submit his required paperwork in a timely manner, LOPFI informed him that he would not be receiving payment for the month of June. What recourse does this retired fire fighter have? Q2) What Arkansas law states that there will be a penalty for such a late filing and how is the amount determined? **RESPONSE:** In my opinion, with respect to your first question, your constituent should file a grievance with the LOPFI Board under LOPFI Board Rule 26; if the grievance procedure proves unsatisfactory, your constituent may wish to consult private counsel regarding possible recourse in a court. LOPFI would have the additional benefit of its written documentation as well as state law that requires paperwork to be filed at least 30 days prior to the request that benefits begin. With respect to your second question, the Arkansas Code specifies that LOPFI requires documentation of a participating member's retirement a minimum of thirty days in advance of the retirement to process the paperwork required to begin payments, though in my opinion this would not be characterized as a penalty.

Opinion No.: 2005-138

Hutchinson, Timothy
State Representative

RE: Does the term "residence," as it appears in ACA 14-20-108(B)(i)(a), refer to an occupied residential structure or simply a residential structure? **RESPONSE:** In my opinion the term means simply a residential structure. The pertinent portion of the statute ties collection of the dues to collection of real property taxes and this fact may influence when and

whether dues are collected, particularly on newly constructed residences.

Opinion No.: 2005-150

Denny Altes
State Senator

RE: In light of the recent U.S. Supreme Court decision in *KELO V. NEW LONDON* (04-108) 268 Conn. 1, 843 A. 2d 500, can a city in Arkansas use its power of eminent domain to take private property for a private enterprise? **RESPONSE:** Assuming this question inquires about an exercise of eminent domain similar to that in the Kelo case, for strictly economic development purposes, with no primary underlying public use, in my opinion the answer is generally "no" under existing Arkansas case law and the Arkansas Constitution. This is true because Arkansas has adopted a narrower view of the so-called public use test than other states and the federal courts. The legality or constitutionality of any particular exercise of the power of eminent domain, however, must be analyzed in light of all the facts surrounding the proposed taking. See opinion for full analysis.

Opinion No.: 2005-151

Gilbert Baker
State Senator

RE: Can a city write bid specifications or request for proposals that specifically exclude smaller businesses from participating in the competitive bid process? If so, under what circumstances? **RESPONSE:** No. Although a city has limited discretion to reject the lowest bid on a project, even if the bid is made by a responsible bidder, the city has no discretion to prohibit any individual or firm from bidding. See A.C.A. 14-58-303 and -22-9-203; Ark. Op Att'y Gen. No. 2000-255.

ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-152

Verkamp, John Paul
State Representative

RE: Can the City of Greenwood legally use sales tax revenues earmarked by the voters for “water improvements” to fund a study exploring the feasibility of tapping water trapped in abandoned coal mines as a future municipal water supply? **RESPONSE:** Although I believe that expending tax revenues to test the feasibility of expanding a water supply might, in the abstract, be consistent with a pledge of those revenues to “water improvements,” I cannot opine to this effect with respect to the specific Greenwood project you have described. Only a finder of fact familiar with all of the attendant circumstances, including the contents of the levying ordinance and the entire ballot, could inform city officials that the projected expenditures are warranted.

Opinion No.: 2005-158

Bryles, Steve
State Senator

RE: Does the language of ACA 14-56-416(B)(1), regarding the ordinance governing the composition of the Board of Zoning Adjustment, mean that the members of the Board of Zoning Adjustment must be composed of at least three members of the Planning Commission or may those three members be from the community at large? **RESPONSE:** The three members may be from the community at large. The composition of the board of adjustment is ultimately a matter to be decided by the city council, through its adoptions of the zoning ordinance.

Opinion No.: 2005-163

Glover, Bobby
State Senator

RE: If the State Board of Health decides to increase the amount of the bond required in Section 2 of Act 1864 of 2005, does the Board have to first secure the approval of a designated committee of the General Assembly? Q2) If the Board decides to increase the amount of the bond, do they have the authority to increase the amount on a case by case basis or is any increase in the bond amount by the Board a blanket amount that is applicable to all designated representatives and installers? **RESPONSE:** 1) No, but any rule in this regard would be subject to the same legislative “review” procedure as any other administrative rule or regulation. See ACA 10-3-309. 2) In my opinion the State Board may only increase the bond amount across the board for designated representatives or across the board for installers.

Opinion No.: 2005-167

Mahony, Jodie
State Representative

RE: Is the presence of four school board members at a meeting necessary to constitute a quorum of a seven member school board? Q2) If a relative of a board member is being considered for an employment contract with the school district, is that board member required to leave the room for the discussion and vote? Q3) If a meeting begins with a quorum of four of the seven board members, and one board member is forced to leave the room for the consideration of employing his brother, is the quorum lost and transaction of business required to cease? Q4) If the

ATTORNEY GENERAL OPINIONS

aforementioned conditions exist and a quorum is not lost, can the remaining three approve an employment contract on a 3-0 vote? Q5) What is the necessary statutory notice to the public that has to be followed to have a legal meeting? Q6) Even if the local board approves an employment (initial or change of status greater than \$2500), must the Commissioner of Education provide a written exemption in order for the individual to have a valid employment contract? Q7) Assuming question 6 is answered in the affirmative, if a local board fails to request an exemption from the Commissioner of Education, is the employment contract valid? RESPONSE: With respect to your first question, A.C.A. 6-13-619 (Repl. 1999) specifically defines a quorum of the board of directors of a school district as a majority of the total members so that four members of a seven member board is required to make a quorum. With respect to your second question, in my opinion A.C.A. 6-24-105 as amended by Act 1381 of 2005 clearly requires that the board member leave the meeting room and not be counted as a voting member for the purpose of the vote. With respect to your third question, in my opinion the board has lost a quorum and must cease all business that requires a quorum. With respect to your fourth question, in my opinion a quorum has been lost. With respect to your fifth question, whether reasonable notice for an ordinary meeting has been given is a fact intensive question to be answered on a case-by-case basis. For special or emergency meetings, A.C.A. 25-19-106(b)(2) (Supp. 2003) specifies at least two hours prior to the meeting that notice be given to all media outlets that have requested notice of emergency or special meetings. With respect to your sixth question, independent approval from the Commissioner of Education is mandatory in the situation you describe without which the contract is not effective, valid or enforceable. With respect to your seventh question, as noted in my response to question six, the approval of the Commissioner of Education is mandatory and without such approval the contract is not effective, valid, or enforceable.

Opinion No.: 2005-171

Rainey, David
State Representative

RE: Whether ACA 6-17-1703(b) requires the superintendent of a school district to make a "recommendation of non-renewal" to the school board no later than 30 days prior to the beginning of the employee's next contract period, or whether this requirement merely refers to the written notice that must be sent to the employee? Q2) Assuming the phrase "recommendation of non-renewal" as used in Section (b) does refer to a recommendation to the school board, would it be proper for the superintendent to advise the school board of the reasons for the recommendation in view of the fact that the board may subsequently be called upon to hold a hearing on the recommendation? RESPONSE: Q1) Notwithstanding the fact that a literal reading of A.C.A. 6-17-1703(b) might dictate a contrary conclusion, I do not believe the statute obligates a school district superintendent to make a "recommendation of nonrenewal" to the school board at least 30 days prior to the beginning of what would otherwise be the employee's next contract period. Rather, I believe the referenced deadline marks the cut-off point for notifying the employee of the recommendation. When subsection (b) is read within the context of the entire Public School Employee Fair Hearing Act (the "Act"), A.C.A. 6-17-1701 through -1705 (Repl. 1999), I believe it is apparent that the legislature intended the term "recommendation of nonrenewal" to refer to the notice of recommendation provided by the superintendent to the employee. However, legislative clarification regarding this issue is warranted. Q2) Although my opinion renders your second question moot, I will note that I do not believe it would be objectionable for a superintendent prior to a hearing to tender a written recommendation of nonrenewal to the board itemizing the bases for his recommendation.

ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-172

Borhauer, Shirley
State Representative

RE: Can a local chief of police who currently serves on the county quorum court continue to hold the position of police chief and be on the city council at the same time? **RESPONSE:** No. In my opinion, such dual service would run afoul of the common law doctrine of incompatibility.

Opinion No.: 2005-173

Canfield, Jerry L.
Daily & Woods, Attorneys at Law

RE: Request for approval of an interlocal cooperation agreement between the City of Fort Smith and Sebastian County to construct and operate the Sebastian County Justice Complex. **RESPONSE:** Approved as submitted.

Opinion No.: 2005-181

Lawrence, Richard L.
Gill Elrod Ragon Owen & Sherman,

RE: Is the decision of the custodian of the records to release the employer's letter initiating a termination hearing and the employee's letter in response consistent with the Freedom of Information Act (FOIA)? **ANSWER:** Yes. The records are job performance or evaluation records (The employee's letter in response to the notice of termination proceedings was created at the behest of the employer according to the employment contract.). The records formed the basis for the decision to terminate, the administrative proceedings have been concluded, and there is a compelling public interest in disclosure.

Opinion No.: 2005-183

Chesterfield, Linda
State Representative

RE: If I am elected to a third term as a State Representative in 2006, could I run for a position as a school board member in 2007? **RESPONSE:** In my opinion, Ark. Const. Art. 5, Sec. 10 prohibits a state representative from being elected to another civil office under the State, such as a member of the school board, during the term for which the representative has been elected.

Opinion No.: 2005-186

Steele, Tracy
State Senator

RE: Has a nonprofit organization that solicits contributions from persons in Arkansas on the Internet without registering in the State of Arkansas pursuant to A.C.A. 4-28-402 committed a criminal offense? Q2) If so, what criminal offense may have been committed? Q3) Would key persons or corporate officers of the nonprofit organization also be liable? **ANSWER:** Q1) and 2) Assuming that the nonprofit is a "charitable organization" (4-28-401), and that personal jurisdiction is properly invoked, then the answer is "yes." The unregistered organization engages in an "unfair and deceptive act or practice," which is punishable as a Class A misdemeanor under the Deceptive Trade Practices Act (A.C.A. 4-88-103), when it engages in such solicitation over the Internet. See A.C.A. 4-28-412 and 4-28-416. See also Op. Att'y Gen. 1989-323 (regarding the punishment for a corporation). Q3) This would depend upon whether the key persons or officers "knowingly and willfully" violated the registration requirement. A.C.A. 4-88-103.

ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-190

Ormond, Charles L.
State Representative

RE: Request for certification of the popular name and ballot title for a proposed constitutional amendment to establish an Arkansas commission on lotteries and wagering. **RESPONSE:** Popular name and ballot title rejected due to ambiguity in the text of the proposed measure.

Opinion No.: 2005-194

Love, Jennifer
Legal Advisor, AWCC

RE: Is the decision of the custodian of records regarding release of the personnel files of two attorneys employed by the Arkansas Workers' Compensation Commission correct? **RESPONSE:** In my opinion, the custodian was correct in her decision to withhold various documents. The opinion sets forth the standards to be applied in reviewing other personnel records and employee evaluation/job performance records.

Opinion No.: 2005-196

Dolan, Jan
Office Manager, City of Centerton

RE: Request for approval of an interlocal cooperation agreement between the Town of Highfill and the City of Centerton to provide animal control services and facilities to both communities. **RESPONSE:** Approved as submitted.

Opinion No.: 2005-202

Bolt, Jimmy
Interim City Manager

RE: Is the decision of the custodian of records to redact certain specified information in response to a Freedom of Information Act (FOIA) request for the personnel files of a police officer, the city treasurer and the public works supervisor consistent with provisions of the act? **RESPONSE:** Yes, but several additional redactions are required. See opinion.

Opinion No.: 2005-208

Holt, Jim
State Senator

RE: Does certain excerpted material from 54 books identified by a citizen group in Northwest Arkansas violate Arkansas Code Annotated 5-27-304; 5-27-403; 5-27-602 or any other applicable state law that governs the display of pornographic or obscene material which involves a minor? **RESPONSE:** The determination of whether the Fayetteville public schools' circulation of this material violates Arkansas law will necessarily involve questions of fact for a court or a properly instructed jury. In addition, it must also be recognized that the original enforcement of criminal laws is invested with the prosecuting attorney, who must weigh the attendant facts and make charging decisions. While I appreciate that it may seem self-evident from these sexually explicit excerpts that the material is harmful to minors and thereby rendered unlawful, I can only note that, based upon the excerpts, I believe the question would most likely involve analysis under 5-68-501 to -503, which makes it unlawful to display or disseminate certain sexually explicit material to minors. See opinion for full analysis.

ADOPTED RULES AND REGULATIONS

ARKANSAS ALTERNATIVE FUELS COMMISSION

Docket No: 206.00.05-001E
Effective Date: 08/23/2005
Contact: Morris Jenkins
Telephone: 501-682-7377

Emergency Rule: Certification Requirements for a Biodiesel Producer

ARKANSAS DEVELOPMENT FINANCE AUTHORITY

Executive Division

Docket No: 109.00.05-001F
Effective Date: 09/08/2005
Contact: Patrick Patton
Telephone: 501-682-5902

ADFA Professional Selection Policy

Docket No: 109.00.05-002F
Effective Date: 09/8/05
Contact: Patrick Patton
Telephone: 501-682-5902

Criminal Background Check Policy

Multi-Family Housing

Docket No: 109.04.05-001F
Effective Date: 09/08/2005
Contact: Patrick Patton
Telephone: 501-682-5902

Procedures Manual for the Low Income Housing Tax Credit (LIHTC) Program

Docket No: 109.04.05-002F
Effective Date: 09/08/2005
Contact: Patrick Patton
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HOME Program

Docket No: 109.04.05-003F
Effective Date: 09/09/2005
Contact: Patrick Patton
Telephone: 501-682-5902

2006 Guidelines for Allocating Multi- Family Tax-Exempt Private Activity Volume Cap

Docket No: 109.04.05-004F
Effective Date: 09/11/05
Contact: Patrick Patton
Telephone: 501-682-5902

2006 Housing Credit Program Qualified Allocation Plan

Single Family Housing

Docket No: 109.03.05-001F
Effective Date: 09/08/2005
Contact: Patrick Patton
Telephone: 501-682-5902

Single Family HomeToOwn Program

ADOPTED RULES AND REGULATIONS

BOARD OF PHYSICAL THERAPY

Docket No: 071.00.05-001F
Effective Date: 09/12/2005
Contact: Nancy Worthen
Telephone: 501-228-7100

Rules for the Board of Physical Therapy

BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

Docket No: 155.00.05-001F
Effective Date: 08/26/2005
Contact: Connie Raper
Telephone: 501-683-0150

Section 3 - Define the public practice of geology; Section 4-2 - Allows for degree program

DEPARTMENT OF CORRECTION

Docket No: 004.00.05-003F
Effective Date: 09/26/2005
Contact: Carl Dyer
Telephone: 870-267-6345

AR 413 - Prison Rape Elimination Act (P.R.E.A.)

ECONOMIC DEVELOPMENT COMMISSION

Docket No: 168.00.05-003F
Effective Date: 08/29/2005
Contact: Morris Jenkins
Telephone: 501-682-7377

Arkansas Tourism Development Act

EDUCATION DEPARTMENT

Division of Academic Accountability

Docket No: 005.19.05-001F
Effective Date: 09/01/2005
Contact: Charity Smith
Telephone: 501-682-4207

ADE 205: Rules Governing Visual Art and Music Instruction for Students in Grades One through Six (1-6)

Docket No: 005.19.05-002F
Effective Date: 09/01/2005
Contact: Charity Smith
Telephone: 501-682-4207

ADE 206: Physical Education Course Credit for Organized Physical Activity Courses

Docket No: 005.19.05-004F
Effective Date: 09/01/2005
Contact: James Boardman
Telephone: 501-371-5014

ADOPTED RULES AND REGULATIONS

ADE 208: Rules Governing State Reporting of Dropout and Graduation Rates

Docket No: 005.19.05-006F
Effective Date: 09/01/2005
Contact: Janinne Riggs
Telephone: 501-682-4219

ADE 213: Rules Governing the Arkansas Comprehensive Testing, Assessment & Accountability Program and the Academic Distress Program

Financial Services

Docket No: 005.04.05-001F
Effective Date: 09/01/2005
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 212: Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of These Funds

Fiscal & Administrative Services

Docket No: 005.01.05-004F
Effective Date: 09/03/05
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 209: Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties

Docket No: 005.01.05-009F
Effective Date: 09/17/2005
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 215: Rules Governing Nutrition and Physical Activity Standards in Arkansas Public Schools

Learning Services

Docket No: 005.15.05-001F
Effective Date: 09/01/2005
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 211: Rules Governing Incentives for Teacher Recruitment and Retention in High Priority District

Research & Assistance Technology

Docket No: 005.25.05-001F
Effective Date: 09/01/2005
Contact: James Boardman
Telephone: 501-371-5014

ADE 210: Distance Learning

School Improvement and Restructuring

Docket No: 005.22.05-002F
Effective Date: 09/01/2005
Contact: Janinne Riggs
Telephone: 501-682-4219

ADE 207: Rules Governing Professional Development

ADOPTED RULES AND REGULATIONS

ETHICS COMMISSION

Docket No: 153.00.05-001F
Effective Date: 08/29/2005
Contact: Graham Sloan
Telephone: 501-324-9600

Rules on Political Committees

FINANCE & ADMINISTRATION

Alcoholic Beverage Control Division

Docket No: 006.02.05-001F
Effective Date: 09/11/2005
Contact: Milton Lueken
Telephone: 501-682-1105

Revisions to Sections -- 1.19 (5) (22) (30) (35) (36); 1.20 (20); 1.21 (7); 1.21.1; 1.22.3; 1.30; 1.51; 1.79 (19) (28) (32); 2.17; 2.19; 2.28 (14) (15); 2.49; 3.19 (1) C, (3) E, (4) C, (13); 5.8; 5.10; 5.11; 5.13; 5.14; 5.14.1; 5.15; 5.18; 5.19; 5.20; 5.21; 5.23; 5.24; 5.25; 5.26; 5.27; 5.30; 5.31; 5.32; 5.35; 5.36; 5.37; 5.38; 5.56; 5.59; 5.61 ***

Office of Accounting

Docket No: 006.09.05-001F
Effective Date: 09/16/2005
Contact: Jan Moore
Telephone: 501-682-7750

Rule 2005-3 : Implementation of Accountability Provisions for Disbursements from the General Improvement Fund by the DF&A Disbursing Officer

Revenues Division

Docket No: 006.05.05-005E
Effective Date: 09/14/2005
Contact: Linda Holmstrom
Telephone: 501-682-7751

Emergency Rule 2005-6: Standard Mileage Rates for Income Tax Purposes

GAME AND FISH COMMISSION

Docket No: 002.00.05-009F
Effective Date: 09/11/2005
Contact: James Goodhart
Telephone: 501-223-6327

2006 Fishing Regulations; Flood Prone Regions Closures and Re-openings Approval; 2005 - 2006 Late Migratory Bird Seasons Approval

HEALTH SERVICES AGENCY

Docket No: 049.00.05-006E
Effective Date: 09/09/2005
Contact: Mary Brizzi
Telephone: 501-661-2501

Emergency Rule: Hospice Facility Expansion

ADOPTED RULES AND REGULATIONS

HIGHER EDUCATION

Colleges & Universities Plans & Operations

Docket No: 008.02.05-003F
Effective Date: 08/27/2005
Contact: Gary Smith
Telephone: 479-575-3507

Parking Rules and Regulations for the University of Arkansas for the academic year 2005-2006

Docket No: 008.02.05-004F
Effective Date: 09/01/2005
Contact: Thomas Pennington
Telephone: 479-964-0824

2005 - 2006 Parking and Traffic Regulations for Arkansas Valley Technical Institute of Arkansas Tech University

Financial Aid Division

Docket No: 008.10.05-001F
Effective Date: 09/10/2005
Contact: Melissa Goff
Telephone: 501-371-2055

Military Dependents' Scholarship Program Rules

Docket No: 008.10.05-002F
Effective Date: 09/10/2005
Contact: Melissa Goff
Telephone: 501-371-2055

Student Assistance Grant Program Rules

Docket No: 008.10.05-004F
Effective Date: 09/10/2005
Contact: Melissa Goff
Telephone: 501-371-2055

Amendments to the Rules of the Arkansas Challenge Scholarship Program

Docket No: 008.10.05-005F
Effective Date: 09/10/2005
Contact: Melissa Goff
Telephone: 501-371-2055

Amendments to the Rules of the Arkansas Workforce Improvement Grant Program

Docket No: 008.10.05-006F
Effective Date: 09/10/2005
Contact: Melissa Goff
Telephone: 501-371-2055

Amendments to the Rules of the Arkansas Governor's Scholars Program

ADOPTED RULES AND REGULATIONS

HUMAN SERVICES

Administrative Services

Docket No: 016.14.05-010F
Effective Date: 09/11/2005
Contact: Joe Franklin
Telephone: 501-682-9631

DHS Policy # 1052: Administrative Procedure - Rules Promulgation

Children & Family Services

Docket No: 016.15.05-002F
Effective Date: 09/17/2005
Contact: Vellor Williams
Telephone: 501-682-8196

Family Services Policy and Procedure (FSPP) Manual; and PUB-357 - Child Maltreatment Assessment Protocol ***

Child Care and Early Childhood Education

Docket No: 016.22.05-001F
Effective Date: 09/24/2005
Contact: David Griffin
Telephone: 501-682-8590

Minimum Licensing Requirements for Child Care Family Homes

Docket No: 016.22.05-002F
Effective Date: 09/24/2005
Contact: David Griffin
Telephone: 501-682-8590

Supplement to PUB-002: Minimum Licensing Requirements for Child Care Centers Operated by

Docket No: 016.22.05-003F
Effective Date: 09/24/2005
Contact: David Griffin
Telephone: 501-682-8590

PUB-002: Minimum Licensing Requirements for Child Care Centers

Docket No: 016.22.05-004F
Effective Date: 09/24/2005
Contact: David Griffin
Telephone: 501-682-8590

PUB-003: Registration Requirements for Registered Child Care Family Homes

Division of Health

Docket No: 016.24.05-001F
Effective Date: 09/12/2005
Contact: Michael Loeffelholz
Telephone: 501-661-2220

Public Health Laboratory: Public Health Laboratory Fees

Medical Services

Docket No: 016.06.05-034F
Effective Date: 09/11/2005
Contact: Carolyn Patrick
Telephone: 501-682-8359

ADOPTED RULES AND REGULATIONS

Rehabilitative Services for Persons with Mental Illness (RSPMI) Provider Manual Update Transmittal #48

Docket No: 016.06.05-048F
Effective Date: 10/01/2005
Contact: Nikki Wade
Telephone: 501-682-8292

DDS Alternative Community Services (ACS) Waiver - Provider Manual Update Transmittal #54

Docket No: 016.06.05-049F
Effective Date: 10/01/2005
Contact: Tommy Wingard
Telephone: 501-682-6117

Rules for the Arkansas Long Term Care Facility Nursing Assistant Training Program - Registry Online Services

Docket No: 016.06.05-050F
Effective Date: 10/01/2005
Contact: Tommy Wingard
Telephone: 501-682-6117

Rules for Conducting Criminal Record Checks for Employees of Long Term Care Facilities

Docket No: 016.06.05-069E
Effective Date: 09/07/2005
Contact: Betty Reed
Telephone: 501-682-8363

Emergency Rule: Hospital/Critical Access Hospital/End Stage Renal Disease Provider Manual Update #84; Physician/ Independent Lab/CCRNA/ Radiation Therapy Center Provider Manual Update #104; Nurse Practitioner Provider Manual Update #60; Certified Nurse Midwife Provider Manual Update #67

Docket No: 016.06.05-074F
Effective Date: 08/29/2005
Contact: Randy Helms
Telephone: 501-682-1857

Rate Increase for Under 16 Bed ICF/MR Facilities

INSURANCE DEPARTMENT

Docket No: 054.00.05-002F
Effective Date: 08/29/2005
Contact: Ragenea Hodge
Telephone: 501-371-2820

Rule 61: Insurer Reports of Arkansas Property and Casualty Claims Experience Pursuant to Act 166 of 1993

Docket No: 054.00.05-003F
Effective Date: 09/01/2005
Contact: Jean Langford
Telephone: 501-371-2820

Rule 27: Minimum Standards for Medicare Supplement Policies

ADOPTED RULES AND REGULATIONS

LABOR DEPARTMENT

Board of Electrical Examiners

Docket No: 010.13.05-001F
Effective Date: 10/01/2005
Contact: Ron Baker
Telephone: 501-682-4547

**Regulation 1 - National Electrical Code;
Regulation 9 - Electrical Civil Monetary
Penalties**

WORKFORCE INVESTMENT BOARD

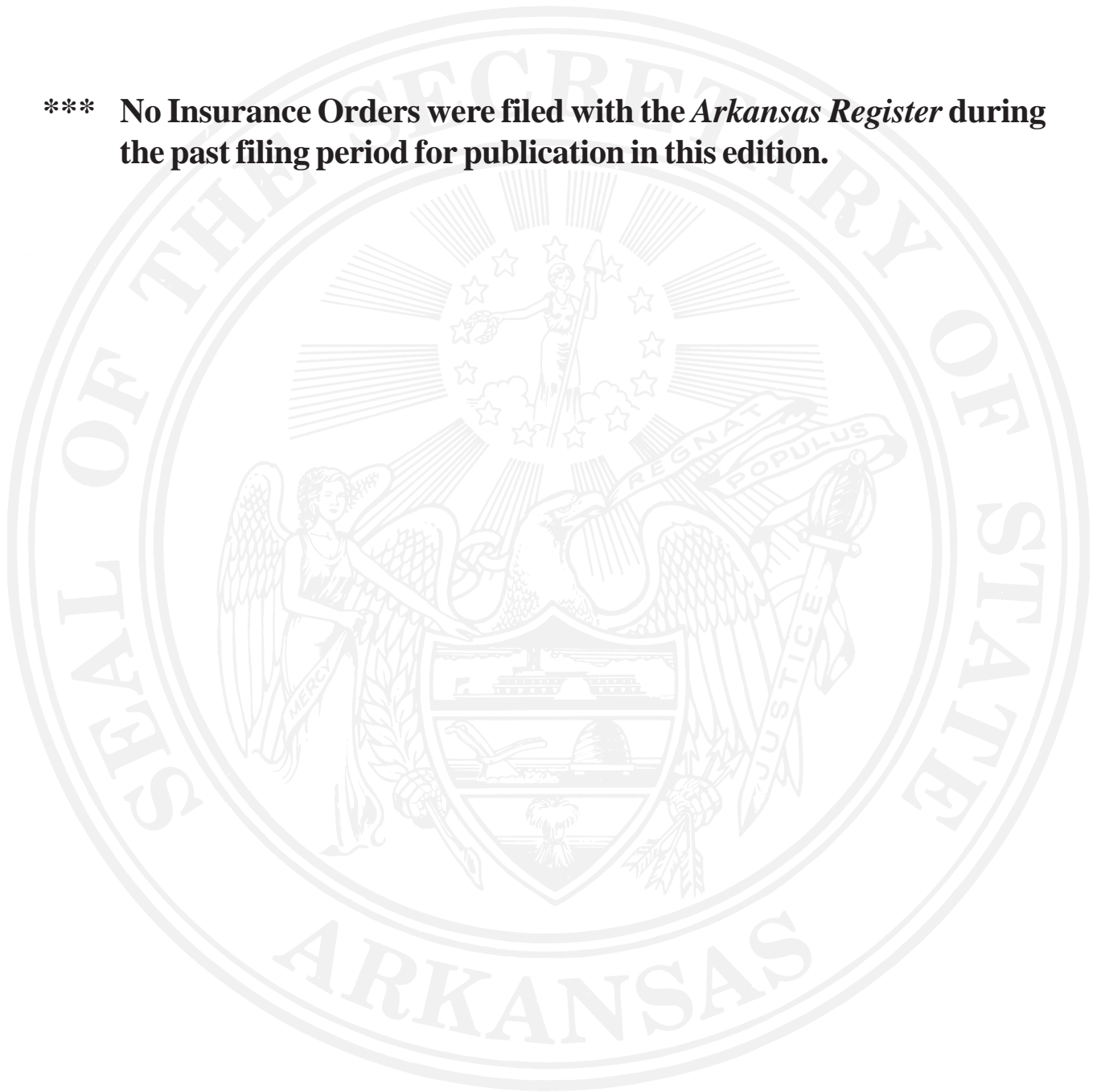
Docket No: 181.00.05-002F
Effective Date: 09/01/2005
Contact: Rebecca Trammell
Telephone: 501-371-1033

**Two-Year Arkansas Strategic Plan of
2005-2006**



INSURANCE DEPARTMENT

***** No Insurance Orders were filed with the *Arkansas Register* during the past filing period for publication in this edition.**

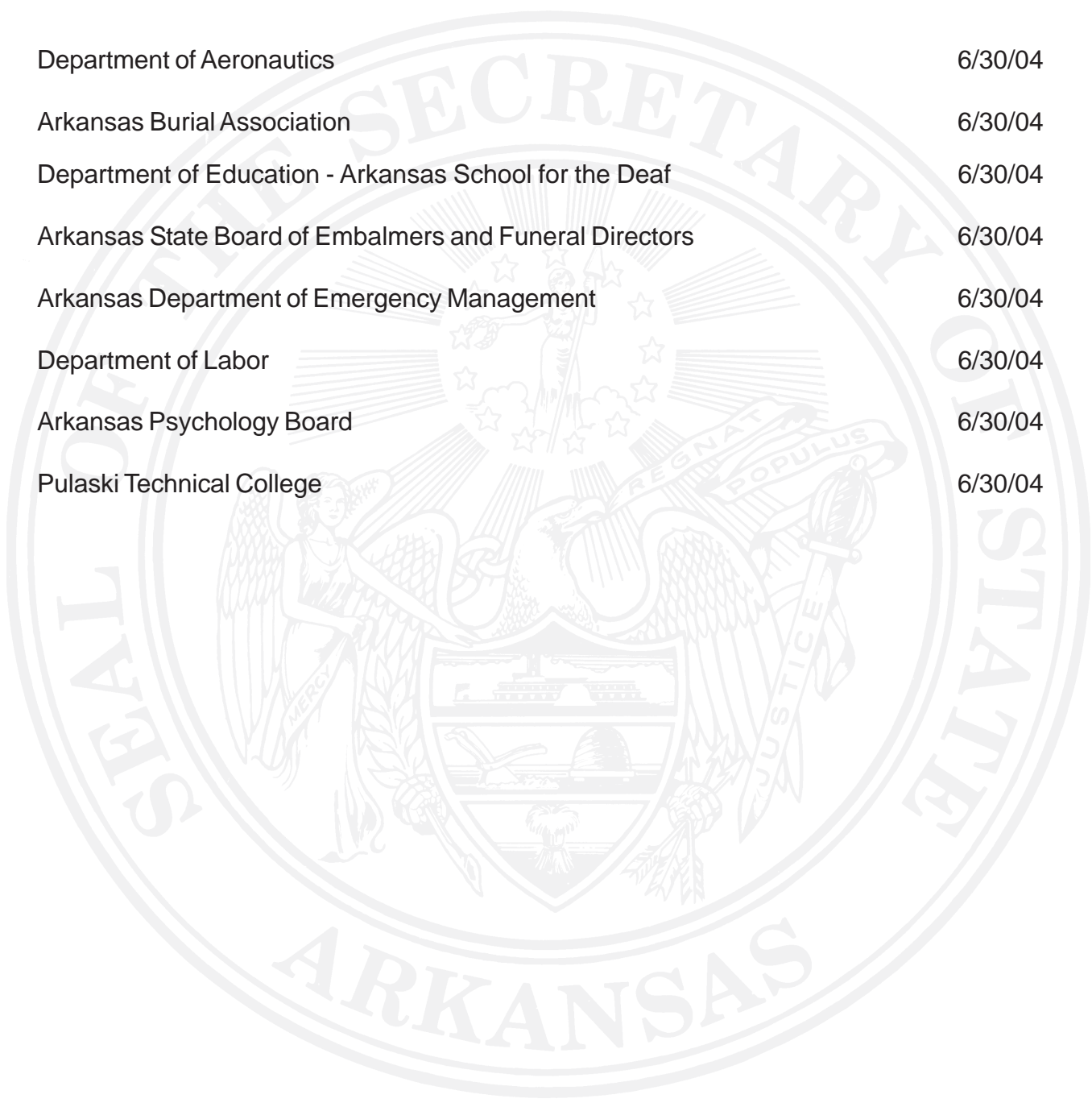


ORDERS AND NOTICES

LEGISLATIVE AUDIT

<u>Agency</u>	<u>Period Covered</u>
Governor's Mansion and Mansion Commission	6/30/04
Office of Governor	6/30/04
Office of Lieutenant Governor	6/30/04
Arkansas Supreme Court	6/30/04
Arkansas Court of Appeals	6/30/04
Administrative Office of the Courts	6/30/2004 & 2003
Arkansas Livestock Show Association	12/31/04
Department of Finance and Administration - Revenue Division - Corporation Income Tax Section	6/30/04
Department of Finance and Administration - Revenue Division - Individual Income Tax Section	6/30/04
Department of Finance and Administration - Revenue Division - Office of Driver Services	6/30/04
Department of Finance and Administration - Revenue Division - Office of Motor Vehicle	6/30/04
Arkansas Beef Council	6/30/05
Arkansas Soybean Promotion	6/30/05

ORDERS AND NOTICES



Department of Aeronautics	6/30/04
Arkansas Burial Association	6/30/04
Department of Education - Arkansas School for the Deaf	6/30/04
Arkansas State Board of Embalmers and Funeral Directors	6/30/04
Arkansas Department of Emergency Management	6/30/04
Department of Labor	6/30/04
Arkansas Psychology Board	6/30/04
Pulaski Technical College	6/30/04

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